

I hereby certify that this correspondence is being
Electronically Transmitted on the date noted below to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 9, 2011

Date of Deposit
James A. Collins

Name of applicant, assignee or
Registered Representative
/James A. Collins/

Signature
March 9, 2011

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Alan R. Bauer et al.

Appln. No.: 10/764,076

Filed: January 23, 2004

For: MONITORING SYSTEM FOR
DETERMINING AND
COMMUNICATING A COST
OF INSURANCE

Attorney Docket No: 12654-33

Examiner: Teresa S. Woods

Art Unit: 3686

Confirmation No.: 7997

TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

This application claims priority under 35 USC §120 to the following United States patent applications: 08/592,958; 09/135,034; and 09/571,650. In accordance with 37 CFR §1.98(d), copies of the references cited herein which were submitted to, or cited by, the office, in compliance with 37 CFR §1.98(a)-(c) in the earlier application may not be provided herewith. The Examiner is directed to those references cited in all Information Disclosure Statements filed in the priority United States patent applications cited above in addition to the references cited herein.

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(c), Applicants hereby cite the following reference(s):

U.S. PATENT DOCUMENTS		
DOCUMENT NO.	DATE	NAME
US 3,781,824	12/25/1973	Caiati et al.
US 3,870,894	03/11/1975	Brede et al.
US 4,212,195	07/15/1980	Young
US 4,387,587	06/14/1983	Faulconer
US 4,581,708	04/08/1986	Van Ostrand et al.
US 4,593,357	06/03/1986	Van Ostrand et al.
US 4,638,289	01/20/1987	Zottnik
US 4,706,083	11/10/1987	Baatz et al.
US 4,836,024	06/06/1989	Woehri et al.
US 4,845,630	07/04/1989	Stephens
US 4,944,401	07/31/1990	Groenewegen
US 4,945,759	08/07/1990	Krofchalk et al.
US 5,017,916	05/21/1991	Londt et al.
US 5,074,144	12/24/1991	Krofchalk et al.
US 5,355,855	10/18/1994	Saikalis
US 5,394,136	02/28/1995	Lammers
US 5,400,018	03/21/1995	Scholl et al.
US 5,412,570	05/02/1995	Gruler et al.
US 5,445,347	08/29/1995	Ng
US 5,446,659	08/29/1995	Yamawaki
US 5,459,660	10/17/1995	Berra
US 5,465,079	11/07/1995	Bouchard et al.
US 5,471,193	11/28/1995	Peterson et al.
US 5,485,161	01/16/1996	Vaughn
US 5,497,329	03/05/1996	Tang
US 5,581,464	12/03/1996	Woll et al.
US 5,608,629	03/04/1997	Cuddihy et al.
US 5,654,501	08/05/1997	Grizzle et al.
US 5,680,140	10/21/1997	Loomis
US 5,693,876	12/02/1997	Ghitea, Jr. et al.
US 5,726,893	03/10/1998	Schuchman et al.
US 5,790,427	08/04/1998	Greer et al.
US 5,799,249	08/25/1998	Kennedy, III et al.
US 5,811,884	09/22/1998	Matuoka et al.
US 5,815,093	09/29/1998	Kikinis
US 5,832,394	11/03/1998	Wortham
US 5,844,473	12/01/1998	Kaman
US 5,862,500	01/19/1999	Goodwin
US 5,877,707	03/02/1999	Kowalick
US 5,928,291	07/27/1999	Jenkins et al.
US 5,974,356	10/26/1999	Doyle et al.
US 6,009,363	12/28/1999	Beckert et al.
US 6,076,026	06/13/2000	Jambhekar et al.

US 6,185,490 B1	02/06/2001	Ferguson
US 6,246,933 B1	06/12/2001	Bague
US 6,608,554 B2	08/19/2003	Lesesky et al.
US 6,744,352 B2	06/01/2004	Lesesky et al.
US 7,015,800 B2	03/21/2006	Lesesky et al.
US 7,449,993 B2	11/11/2008	Lesesky et al.

FOREIGN PATENT DOCUMENTS		
DOCUMENT NO.	DATE	COUNTRY
CA 2,151,458	06/23/1994	Canada
CA 2,164,608	12/22/1994	Canada
CA 2,229,238	08/11/1999	Canada
EP 0 383 593 A2	08/22/1990	Europe
EP 0 444 738 A2	09/04/1991	Europe
EP 0 700 009 A3	03/06/1996	Europe
EP 0 895 173 A3	02/03/1999	Europe
EP 1 128 265 A1	08/29/2001	Europe
EP 1 160 707 A1	12/05/2001	Europe
EP 1 241 599 A1	09/18/2002	Europe
EP 1 746 537 A3	01/24/2007	Europe
DE 195 22 940 A1	01/02/1997	Germany
DE 197 28 872 A	01/14/1999	Germany
JP 3-4660 A	01/10/1991	Japan
WO 84/03359 A1	08/30/1984	WIPO
WO 88/09023 A1	11/17/1988	WIPO
WO 93/10510 A1	05/27/1993	WIPO
WO 94/04975 A1	03/03/1994	WIPO
WO 94/18645 A1	08/18/1994	WIPO
WO 94/28434 A1	12/08/1994	WIPO
WO 96/15636 A1	05/23/1996	WIPO
WO 97/33382 A1	09/12/1997	WIPO
WO 98/47109 A1	10/22/1998	WIPO
WO 00/17721 A2	03/30/2000	WIPO
WO 00/17800 A1	03/30/2000	WIPO
WO 01/18491 A1	03/15/2001	WIPO
WO 01/73693 A2	10/04/2001	WIPO
WO 02/41119 A2	05/23/2002	WIPO
WO 03/073339 A1	09/04/2003	WIPO

OTHER ART – NON PATENT LITERATURE DOCUMENTS
"Automatic Vehicle Location for Public Safety Dispatch," Trimble brochure, 1993, 8 pages.
Brown, Robert L., "Recent Canadian Human Rights Decisions Having an Impact on Gender-Based Risk Classification Systems," Journal of Actuarial Practice, Vol. 3, No. 1, 1995, pp. 171-192.
Butler, P. et al., "Driver Record: a Political Red Herring That Reveals the Basic Flaw in Automobile Insurance Pricing," Journal of Insurance Regulation, Vol. 8, No. 2, 1989, pp. 200-234.

Butler, P., "Cost-Based Pricing of Individual Automobile Risk Transfer: Car-Mile Exposure Unit Analysis," <i>Journal of Actuarial Practice</i> , Vol. 1, No. 1, 1993, pp. 51-84.
Butler, P., "Gas-Tax and Time-Period Insurance Methods Equally Flawed," <i>National Underwriter</i> , June 15, 1998, p. 594.
Butler, T., "Insurance by the Mile," Letter to the Editor, <i>The Washington Post</i> , January 17, 1991, 2 pages.
Capon, R., "Insure by the Mile," Letter to the Editor, <i>The Washington Post</i> , December 27, 1990, 2 pages.
Civil Docket for Case No. 1:10-cv-01370-PAG, Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois et al., U.S. District Court, Northern District of Ohio (Cleveland) printed from the internet at < http://ecf.ohnd.uscourts.gov/cgi-bin/DktRpt.pl?324688388186026-L_1_0-1 > on December 22, 2010, 12 pages.
Complaint, filed June 18, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 201 pages.
Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted, filed September 8, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 99 pages.
Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO filed October 14, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 339 pages.
Defendants' Reply Memorandum In Support of Their Motion to Dismiss for Failure to State a Claim Upon which Relief may be Granted filed October 26, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 13 pages.
Defendants' Reply Memorandum In Support of Their Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO filed November 4, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 12 pages.
Dorweiler, P., "Notes on Exposure and Premium Bases," <i>Proceedings of the Casualty Actuarial Society</i> , Vol. 16, Nos. 33 & 34, 1929-1930, pp. 319-343.
Hanneghan et al., "The World-Wide Web As A Platform for Supporting Interactive Concurrent Engineering," <i>Proceedings of Advanced Information Systems Engineering - 8th International Conference, CAISE'96, Heraklion, Crete, Greece, May 20-24, 1996</i> , 17 pages. (available from the internet at URL: http://www.cms.livjm.ac.uk/cmsmhann/publications/papers/CAISE96.pdf)
Klein, J. S. et al., "A Black Box Tells Just the Facts," <i>The Los Angeles Times</i> , Section:View, June 13, 1991, pp. E-8. (2 pages)
Memorandum of Opinion and Order (regarding Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted) dated November 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Co. versus Safeco Insurance Co., et al., 10 pages.

Memorandum of Opinion and Order (regarding Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO) dated November 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Co. versus Safeco Insurance Co., et al., 9 pages.
Narten, T., "File Server," Encyclopedia of Computer Science, Ed. Anthony Ralston and Edwin D. Reilly, 3rd. Ed., New York: Van Nostrand Reinhold, copyright 1993, pp.554-555.
"Operation of an Audited-Mile/Year Automobile Insurance System-Under Pennsylvania Law," A Study Prepared for Sponsors of Pennsylvania Senate Bill SB 775 and Pennsylvania House Bill 1881 and other Interested Members of the Pennsylvania General Assembly, NOW Insurance Project for National Organization for Women, June 1992, 18 pages.
Progressive's Memorandum in Opposition to Defendants' Motion to Dismiss for Failure to State a Claim Upon which Relief may be Granted filed October 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 59 pages.
Progressive's Memorandum in Opposition to Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the USPTO filed October 28, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 80 pages.
PSC-200™ Intelligent Data Controller, product description, Trimble, 1994, 2 pages.
Request for Ex Parte Reexamination of U.S. Patent. No. 6,064,970 Pursuant to 35 U.S.C. § 302, 37 C.F.R. § 1.510, filed September 22, 2010, 178 pages.
"Vehicle Alert and Notification System," IBM Technical Disclosure Bulletin, Vol. 38, No. 8, August 1995, pp. 209-211.

Applicants are enclosing Form PTO-1449 (five sheets), along with a copy of each listed reference for which a copy is required under 37 CFR §1.98(a)(2). Pursuant to the undersigned attorney's obligation and duties under 37 C.F.R. §§ 1.56 and 1.98(a)(3) and (c), either English language abstracts, partial translations, or full translations are included for patent documents which are not in English for the express purpose of providing a concise explanation of the references to the Patent and Trademark Office with the opportunity to evaluate the same. Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

Applicants also respectfully request the Examiner to review the claims and the prosecution history, including any Office Actions issued by the U.S. Patent and Trademark Office and any responses filed by Applicants, for Serial No. 08/592,958 (now U.S. Pat. No. 5,797,134), Serial No. 09/571,650 (now U.S. Pat. No. 6,868,386), Serial

No. 11/868,827, and Serial No. 12/132,487, and reexamination of U.S. Pat. No. 6,064,970 (Serial No. 90/011,252).

U.S. Patent No. 6,064,970 is the subject of litigation in *Progressive Casualty Insurance Company v. Safeco Insurance Company of Illinois, et al.*, Case No. 1:10-cv-01370-PAG, in the U.S. District Court for the Northern District of Ohio. On November 12, 2010, the court stayed the litigation pending the outcome of this reexamination. Therefore, the litigation is currently closed, but will be reopened upon immediate notification of either party after the conclusion of the reexamination process.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Applicants have calculated a processing fee in the amount of \$180.00 to be due under 37 CFR §1.17(p) in connection with the filing of this Information Disclosure Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Information Disclosure Statement.

Respectfully submitted,

March 9, 2011

Date

/James A. Collins/

James A. Collins
(Reg. No. 43,557)